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the right of a disbarred attorney to take office as state's attorney is considered. Defendant Egan received a majority of the votes cast for state's attorney in his county, and was given a certificate of election. He had formerly been a licensed attorney in the state, but was disbarred from practicing therein shortly before his election. It was practically admitted that the judgment of disbarment would prevent his appearance in the courts of record in the state, but it was claimed that this duty might be performed by a deputy. The court held, however, that defendant could not be allowed to dictate and oversee this important part of the work of his office while prohibited from performing it in person. It was also alleged that under the Constitution the only qualification imposed was that the state's attorney should be "learned in the law," and consequently need not be an attorney at all. The court says that the use of the word "attorney" in the title of the office, "state's attorney," definitely indicates that the office should only be filled by one regularly admitted to practice in the courts, and that the phrase "learned in the law" includes an acquaintance with rules of conduct commonly known as "legal ethics;" that, it having been judicially determined that appellant had disobeyed these rules, it would be conclusively presumed that their violation had been through ignorance; and that, therefore, the judgment of disbarment practically decided that defendant was certainly not learned in that branch of the law.

Intoxicating Qualities of Malt Liquors Need Not Be Shown.—

John Luther was convicted in a District Court of Nebraska of the unlawful keeping and sale of malt liquors without license. On appeal to the Supreme Court, his conviction was reversed (*Luther v. State*, 114 Northwestern Reporter, 411) because it was not shown that the liquors sold were intoxicating in character. The attorney general filed a motion for rehearing, which was granted, and in an opinion reported in 120 Northwestern Reporter, 125, the Supreme Court reverses its former holding, and decides that under the law forbidding the sale of "malt, spirituous, or vinous liquors, or any intoxicating drinks," it is not necessary for the state to prove intoxicating qualities of malt liquor in order to sustain a conviction.

Sunday Baseball.—An interesting history of the National American game is given by the Supreme Court of Kansas in *State v. Prather*, 100 Pacific Reporter, 57. A statute of Kansas provides punishment for "horse racing, cockfighting, or playing at cards or game of any kind on the first day of the week, commonly called Sunday." Prather was charged with playing baseball on Sunday, and convicted of an offense under this statute. He contended that the word "game" as used in the statute should be construed only to include sports of a similar character to those specifically enumerated, and should therefore be held to exclude baseball. The Supreme Court takes the same